

## **WATER SUPPLY PRESENTATION BACKGROUND**

Effective integration between local government land use decisions and the water supply planning and management is of critical importance to Florida's future. In some areas of the state, traditional water supply sources will not be sufficient to meet demands of the growing population and the needs of the environment, agriculture and industry.

Recognizing the need for more effective coordination between land use and water supply planning, the 2002 Florida Legislature amended Chapter 163 to require local governments located within areas for which the water management district had prepared regional water supply plans to prepare 10-year water supply facilities work plans. The local governments were also required to adopt certain portions of the work plan into their comprehensive plans by January 1, 2005.

Local governments not within a regional water supply planning area were directed to prepare 10-year water supply work plans and to update their comprehensive plans as part of the comprehensive plan evaluation and appraisal review and amendment process. In preparation of the work plans, local governments were required to "consider" the district water management plan. In 2004, the Legislature further amended Chapter 163 to give local governments until December 1, 2006, to prepare their 10-year water supply facilities work plans.

This year, the Florida Legislature made significant changes to Chapters 163 and 373, F.S., to strengthen the link between land use and water supply planning. The legislative changes encourage cooperation in the development of alternative water supplies and reemphasize the need for conservation and reuse. The legislation also included a revised time line for preparing local water supply facilities work plans and updating local comprehensive plans, and appropriated funding to assist local governments and other water suppliers with the construction of alternative water supply projects.

This presentation will provide an overview of the water supply requirements as they now exist in Chapter 163, F.S.

### **Water Supply Planning**

#### **REGIONAL WATER SUPPLY PLANS**

- Evaluate water needs in the region for a 20-year planning period
  - Identify traditional and alternative water supply development projects necessary to meet projected demand
  - Identify water resource development projects that support alternative water supply development
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The regional water supply plans prepared by the water management districts are the starting point. Each regional water supply plan evaluates water needs within the district's water supply planning regions. Growth projections are compared with the capacity of the existing water sources to determine if they will be adequate to meet the residential, non-residential, and environmental water needs for the region over the next 20 years. For areas where deficits are anticipated, the regional water supply plan will identify alternative water supply projects, water resource development projects, conservation, and reuse projects to supplement traditional water supply sources.

In areas where traditional water sources will not be adequate to meet projected demand, local governments and water suppliers will be required to select alternative water supply projects they will implement to meet their projected water needs. The water management districts are currently updating the existing regional water supply plans, and it will be very important for local governments and water suppliers to participate in that process. In addition to attending and participating in workshops and other information-exchange forums with water management district staff, local governments can undertake water use needs and water supply availability studies and provide that information to the districts for consideration. Local governments can also recommend alternative water supply project options to the water management districts, to be considered for inclusion in the regional water supply plans.

## **Water Supply Planning**

### **ALTERNATIVE WATER SUPPLY**

- Saltwater & brackish water
- Surface water captured during wet weather
- Sources made available through new storage
- Reclaimed water
- Stormwater (for consumptive use)
- Other nontraditional sources

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What are “alternative water supplies”? Alternative water supplies include the utilization of salt or brackish water, enhancing the capture and storage of rainwater, and the augmentation of water supplies through reclaimed water and stormwater. The new legislation emphasizes the development and implementation of new alternative water supply projects.

Although not part of the definition of alternative water sources, water conservation is also a very important part of the solution to meeting the growing demands for water. Water conservation will be an important component of the updated regional water supply plans and local governments will need to include conservation as part of their water supply planning program.

## **Water Supply Planning**

### **LOCAL GOVERNMENT RESPONSIBILITY**

#### **Conservation Element**

- Include a 10-year assessment of water needs and sources
  - Consider the water management district's regional water supply plan
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Each local government, as part of the Conservation Element of its comprehensive plan, must assess its current and projected water needs and sources for a minimum 10-year period, considering the appropriate regional water supply plan or, in the absence of a regional water supply plan, the district water management plan.

Local governments subject to a regional water supply plan should update their conservation elements within 18 months of governing board approval of an updated regional water supply plan. For those local governments not subject to a regional water supply plan, the conservation element update will be due as part of the evaluation and appraisal review and amendment process.

## **Water Supply Planning**

### **LOCAL GOVERNMENT RESPONSIBILITY**

#### **Infrastructure Element**

- Select alternative water supply projects from regional water supply plans
  - Identify alternative and traditional water supply projects, conservation and reuse necessary to meet future demand
  - Prepare a 10-year water supply facilities work plan
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Comprehensive plan infrastructure elements must identify alternative water supply projects, traditional water supply projects, conservation and reuse necessary to meet future needs. Local governments must also select alternative water supply projects that they will develop from the list of projects identified in the regional water supply plans (or propose other projects) and prepare a 10-year water supply facility work plan. Except for local governments within the Wekiva Study Area [within SFWMD = Orange County, Orlando, Winter Garden, & Ocoee], local governments subject to a regional water supply plan within SFWMD must prepare or update their 10-year water supply facility work plans and adopt revisions to their comprehensive plans within 18 months after the applicable regional water supply plan is approved by the water management district governing board. For those local governments located within more than one water management district, the 18-month time period begins on the date of the last approved regional water supply plan applicable to the local government.

Local governments in the Wekiva Study Area will have to proceed on an accelerated schedule to meet the statutory deadline for updating certain portions of their comprehensive plans. Ch. 2005-106, Laws of Florida (SB 908), requires local governments in the Wekiva Study Area to prepare their 10-year water supply facility work plans and incorporate relevant portions into their comprehensive plans by December 1, 2006. To create a meaningful 10-year work plan, however, the local governments need to know what alternative water supply projects will be included in the updated regional water supply plans. The South Florida Water Management District anticipates approving its updated plan by July 2006.

Under Chapter 2005-290, Laws of Florida (SB 360), a local government has 18 months after a water management district approves an updated regional water supply plan within which to prepare a 10-year water supply facilities work plan and to amend its comprehensive plan to identify alternative and traditional water supply project(s), conservation and reuse necessary to meet the water needs identified in the plan. To meet the other statutory deadline (December 1, 2006), however, local governments in the Wekiva Study Area will only have a few months (rather than 18) within which to amend their comprehensive plans.

## **Water Supply Planning**

### **LOCAL GOVERNMENT RESPONSIBILITY**

#### **Capital Improvements Element**

- **Update annually to maintain financially feasible 5-year schedule of capital improvements**
  - **Adopt plan amendments necessary to update schedule or to eliminate, defer or delay construction of any identified facility**
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The Capital Improvements Element of a local government comprehensive plan must contain a 5-year schedule of capital improvements, including water supply projects identified in 10-year water supply facilities work plan in the Infrastructure Element.

The Capital Improvements element must be reviewed and updated annually to maintain the financial feasibility of the 5-year schedule of capital improvements. A comprehensive plan amendment will be necessary to update the schedule or to eliminate, defer, or delay the construction of any facility listed.

## **Water Supply Planning**

### **LOCAL GOVERNMENT RESPONSIBILITY**

- **Update the 10-year work plan within 18 months after the RWSP is updated by the water management district.**
  - **Report on progress in implementing water supply projects as part of the comprehensive plan Evaluation and Appraisal Report.**
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Each local government's 10-year water supply facilities work plan must be updated at least every five years, within 18 months after the applicable regional water supply plan is updated.

In addition, the comprehensive plan Evaluation and Appraisal Report must address the extent to which the local government has implemented the work plan for building public, private and regional water supply facilities, including the development of alternative water supplies. The report must also include a determination as to whether the identified alternative water supply projects, traditional water supply projects, and the conservation and reuse programs have met local water use needs.

## **Water Supply Planning**

### **LOCAL GOVERNMENT RESPONSIBILITY**

- Coordinate future land uses with water supplies
  - Ensure water supply concurrency
  - Coordinate with regional water supply authorities
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The 2005 legislation requires that the future land use element and the future land use map be coordinated with the availability of water supplies, that local governments consult with water suppliers to ensure compliance with the new water supply concurrency requirement, and that local governments coordinate with regional water supply authorities.

In submitting future land use amendments, local governments should include data and analysis sufficient to demonstrate that an adequate supply of water will be available to meet any increase in water demand created by the proposed land use change.

The new water supply concurrency requirement became effective July 1, 2005. Before issuing a building permit or its functional equivalent, the local government must now “consult” with the applicable water supplier to determine whether adequate water supplies will be available to serve the new development no later than the anticipated date the certificate of occupancy or its functional equivalent will be issued.

**Local governments are advised to update their comprehensive plans and land development regulations as soon as possible to address this new concurrency requirement.**

All local governments that rely on a regional water supply authority for their water supplies will need to review their comprehensive plans to determine if the regional water authority has been included in the Intergovernmental Coordination Element. For those local governments subject to a regional water supply plan that rely on a regional water supply authority for their water supplies, any Intergovernmental Coordination Element that does not ensure coordination with the regional water supply authority will need to be updated as soon as possible, but no later than 18 months after the regional water supply plan update is approved by the appropriate water management district. Other local governments should also update their Intergovernmental Coordination Elements as soon as possible, but no later than at the time the comprehensive plan is updated through the evaluation and appraisal review and amendment process.

## **Alternative Water Supply Funding**

### **Water Protection and Sustainability Program Trust Fund 2005-06**

- South Florida WMD                      \$ 30 million
  - Southwest Florida WMD                \$ 25 million
  - St. Johns River WMD                    \$ 25 million
  - Suwannee River WMD                    \$ 10 million
  - Northwest Florida WMD                \$ 10 million
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The Florida Legislature appropriated \$100 million in state funds for Fiscal Year 2005-06 to fund alternative water supply projects through the Water Protection and Sustainability Program Trust Fund. The water management districts plan to match the state funds with a combination of direct construction funds and expenditures for water resource development that supports alternative water supply projects.

The distribution of state funds will be through the five water management districts as follows:

- \$30 million to the South Florida Water Management District,
- \$25 million to the Southwest Florida Water Management District
- \$25 million to the St. Johns River Water Management District
- \$10 million to the Suwannee River Water Management District and
- \$10 million to the Northwest Florida Water Management District

## **Alternative Water Supply Funding Water Protection and Sustainability Program Trust Fund 2006 and beyond**

- **South Florida WMD**           **\$ 18 million**
  - **Southwest Florida WMD**   **\$ 15 million**
  - **St. Johns River WMD**       **\$ 15 million**
  - **Suwannee River WMD**       **\$ 6 million**
  - **Northwest Florida WMD**   **\$ 6 million**
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Beginning July 1, 2006, an annual appropriation of \$60 million a year will continue to fund alternative water supply projects through the Water Protection and Sustainability Program Trust Fund.

The distribution of those funds to the five water management districts will be as follows:

\$18 million to the South Florida Water Management District,  
\$15 million to the Southwest Florida Water Management District  
\$15 million to the St. Johns River Water Management District  
\$ 6 million to the Suwannee River Water Management District and  
\$ 6 million to the Northwest Florida Water Management District

The Trust Funds can only be used for the construction of new alternative water supply projects. In most cases, the project should be included in the water management district's regional water supply plan, although 20 percent of the funds may be allocated to projects that are not in the regional plan, but consistent with its goals. The water management district governing board will select the alternative water supply projects to be funded each year. A list of the factors that the board will consider in its review and determination can be found in Sec. 373.1961(3)(f) and (g), F.S.

Trust Funds may not be used for traditional water supply projects or for purchasing water from other entities or jurisdictions.

Local governments, public and private utilities, industrial and agricultural operations, and special districts may apply for program funds. Applicants must pay at least 60 percent of the project's construction costs. Water management districts have the discretion to waive (partially or totally) the 60 percent requirement for projects sponsored by financially disadvantaged small local governments. Water management districts or basin boards may also use ad valorem or federal revenues to help an applicant meet the 60 percent requirement.

## Additional Information

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## **ADDITIONAL WATER SUPPLY WORKSHOPS:**

The Department of Community Affairs and the Water Management Districts will be scheduling additional workshops in each of the five water management districts during development of each district's updated regional water supply plan. The purpose of the workshops will be to explain the new water supply requirements in more detail, to identify what information will be needed in the 10-year water supply facility work plans and comprehensive plan elements, and what sources of information will be available to address those requirements. Local government and utility representatives will be invited to the workshops, and there will be an opportunity to exchange information, discuss potential problems and solutions.

The Department, in coordination with the Water Management Districts and the Department of Environmental Protections, is also updating a report prepared in 2003 that will provide guidance for preparing comprehensive plan amendments in response to the revised water supply requirements.